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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/397,618 09/16/99 BRASIER

A MUR-V08467

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EXAMINER

PRATT, C

ART UNIT

PAPER NUMBER

1771

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/397,618

Applicant(s)

BRASIER, ALAN JOHN

Examiner

Christopher C. Pratt

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-9, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-9, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group II drawn to a needlefelt in Paper No. 5 is acknowledged. The examiner previously listed claims 10-11 as part of the intermediate product of group II. These claims, however, are clearly part of group I, as they are dependent from claim 3.

Information Disclosure Statement

2. The file indicates that two IDS' were filed however only one is present in the case. Please resubmit the second IDS for consideration.

Claim Objections

3. Claims 4-9 and 20-21 are objected to because of the following informalities: These claims contain, or depend on a claim, which contains the word "characterized." This term can introduce a question of scope. Applicant is requested to replace this word with "comprising" or "wherein," as the case may be.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 20-21 are indefinite because they contain the phrase "pre-needling."

What processes comprise a "pre-needling" process?

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-9 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meeks (5830092) in view of Zocher (3340586).

Meeks is concerned with the creation of a tennis ball outer covering. Said covering comprising needled nonwoven felt and a scrim layer (col. 2, lines 14-20). Meeks teaches that the felt is needled, but does not teach a specific method of needlepunching.

Zocher is concerned with the creation of needled nonwoven felt layers. Zocher teaches needling said layers with a barbed needle in a range of angles including a plurality of angles which are non-perpendicular (figs. 4). It would have been obvious to a person having ordinary skill in the art to needle the layers of Meeks by the method of Zocher. Such a modification would have been motivated by the reasoned expectation of successfully practicing the invention of Meeks. Zocher's method would also result in a fabric having improved cohesive strength.

Zocher's method comprises two curved needleboards (92-95 in fig. 2).

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Claims 20-21 are indefinite, as set forth above, however Zocher teaches multiple needling steps along a curved path (fig. 2).

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koros et al (5593157), Song (5211788), Nakamura et al (5308060), and Fehrer (5568678) all seem to disclose elements of applicant's invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2351.

Christopher C. Pratt
April 6, 2001


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
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